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THE  
VIRGINIA MAGAZINE  
OF  
HISTORY AND BIOGRAPHY.

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JULY, 1912.

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THE RANDOLPH MANUSCRIPT.

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VIRGINIA SEVENTEENTH CENTURY RECORDS.

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From the Original in the Collection of the Virginia Historical Society.

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(CONTINUED)

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COMMISSION OF GOVERNOR NICHOLSON, AUGUST 4, 1702.

Anne by the Grace of God of England Scotland France and Ireland Queen Defender of the Faith, &c. To our Trusty and well beloved Francis Nicholson Esq., Greeting. We, reposing Especial Trust and Confidence in the Prudence Courage and Loyalty of you the said Nicholson of our Especial Grace certain knowledge and meer Motion have thought fit to constitute & appoint and by these presents constitute and appoint you the said Francis Nicholson our Lieut and Governor General of all that our Colony and Dominion of Virginia in America with all the Rights Members and Appurtenances whatsoever thereunto belonging. And for your better Guidance and Direction

therein We do hereby require and command you to do and Execute all things in due Manner that shall belong unto your said Command and the Trust we have reposed in you according to the several Powers Instructions and Authorities you shall now receive or which shall at any time hereafter be granted or appointed you under our Sign Manual or Signet or by our Order in our Privy Council and by such reasonable Laws and Statutes as are now in force or hereafter shall be made and agreed upon in Manner and form as is hereafter expressed. Our Will and Pleasure is that you the said Francis Nicholson having after the Publication of these our Letters Patents first taken the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and supremacy and the Oath mentioned in an Act Entitled an Act to declare the Alteration in the Oath appointed to be taken by the Act entitled an Act for the further Security of his Majesty's Person and the Succession of the Crown in the Protestant Line and for Extinguishing the hopes of the Pretended Prince of Wales And all other Pretenders and their Open and secret Abettors And for declaring the Associates to be determined as also the Test Mentioned in an Act of Parliament made in the twenty-fifth Year of the Reign of King Charles the Second Entitled An Act for the preventing Dangers which may happen from Popish Recusants together with the Oath for the Due Execution and Trust of our Lieut and Governor General of our said Colony and Dominion as well with Regard to the Equal and Impartial Administration of Justice in all Causes that shall come before you or Otherwise or Likewise the Oath required to be taken by Governors of Plantations to do their utmost that the Laws relating to the Plantations be observed All which our Council in our said Colony or any three of the Members thereof have hereby full Power and Authority and are required to give and Administer to you or in your Absence to your Lieut. Governor if there be any upon the Place. You shall administer unto every one of the Members of our said Council as also to Our Lieut. Governor if there be any upon the place as well the Oaths appointed by Act of Parliament to be taken instead of the Oaths, of Allegiance and Supremacy

and the Oath mentioned in the aforesaid Act entitled an Act to declare the Alteration in the Oath appointed to be taken by the Act entitled An Act for the further Security of his Majesty's Person and the Succession of the Crown in the Protestant Line and for Extinguishing the hopes of the pretended Prince of Wales And all other Pretenders and their Open and Secret Abettors And for Declaring the Association to be determined As the aforementioned Test And the Oath for the Due Execution of their Places and Trusts And we do hereby give and grant unto you full Power and Authority to suspend any of the Members of our Said Council from Sitting Voting an assisting therein if you shall find just Cause for so doing And if it shall at any time happen that by the Death Departure out of the said Colony Or Suspension of any of our said Councillors or Otherwise there shall be a Vacancy in our said Council (any three whereof we do appoint to be a Quorum) our Will & Pleasure is that you signify the same by the first Opportunity that we may under our Signet and Sign Manual Constitute and appoint others in their stead. But that our Affairs at that that distance may not Suffer for want of a due Number of Councillors if it shall happen that there be less than Nine of them residing in our said Colony, We do hereby give and grant unto you the said Francis Nicholson full Power and Authority to Choose as many Persons out of the Principal freeholders Inhabitants thereof as will make the Number of our Council to be Nine and no more Which Persons so chosen and appointed by You shall be to all Intents and Purposes Councillors in our said Council until either they are confirmed by us Or that by the Nomination of others by us under our sign Manual and Signet Our said Council shall have Nine or More Persons in it We do hereby grant you full Power and Authority with the Advice and Consent of our said Council from time to time as need shall require to summon and call General Assemblies of the Inhabitants being Freeholders and Planters within your Government in Manner and form as is now Practised in Virginia and our Will and Pleasure is that the Persons thereupon duly Elected by the Major Part of the freeholders and Planters of the Respective Counties and Places.

And so returned and having before their Setting taken the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy and the Oath mentioned in the aforesaid Act entitled An Act to declare Alterations in the Oaths appointed to be taken by the Act entitled An Act for the further Security of his Majesty's Person and the Succession of the Crown in the Protestant Line and for Extinguishing the hopes of the pretended Prince of Wales and all other Pretenders and their Open and Secret Abettors and for Declaring the Association to be determined as also the forementioned Test which Oaths you shall commissionate fit Persons under our seal of Virginia to administer unto them and without taking of which Oaths and Test none shall be Capable of setting tho' Elected shall be called & held the general Assembly of that our Colony and Dominion And that you the said Francis Nicholson with the Advice and Consent of our said Council and Assembly or the Major Part of them respectively have full power and Authority to make Constitute and Ordain Laws Statutes and Ordinances for the Publick Peace Welfare and good Government of our said Colony & of the People and Inhabitants thereof and such others as shall resort thereto and for the benefit of Us our Heirs and Successors which said Laws Statutes and Ordinances are not to be repugnant but as near as may be agreable to the Laws and Statutes of our Kingdom of England Provided that all such Laws Statutes and Ordinances of what Nature and Duration soever be within three Months or sooner after the Making of the same transmitted to us under our Seal of Virginia for our Approbation or Disallowance of the same, as also duplicates thereof by the next conveyance And in Case all or any of them (being not before confirmed by us) shall at any time be disallowed and not approved and so signified by us our Heirs and Successors under our or their sign Manual and Signet Or by Order of our or their Privy Council unto you the said Nicholson Or to the Commander in Chief of our said Colony for the time being then such and so many of them as shall be so disallowed and not approved shall from thenceforth cease determine and be utterly void and of none Effect any thing to the

Contrary thereof Notwithstanding And to the End that nothing may be passed or done by our said Council and Assembly to the Prejudice of Us our Heirs and Successors We Will and Ordain that you the said Francis Nicholson shall have and enjoy a Negative Voice in the Making and Passing all Laws Statutes and Ordinances as aforesaid And that you shall and may likewise from time to time as you shall judge it necessary adjourn Prorogue or dissolve all General Assemblies aforesaid Our Will and Pleasure is that you shall and may keep and use the Publick Seal appointed or to be appointed for that our Colony of Virginia for Sealing all things whatsoever that Pass the great Seal of our said Colony under your Government. We Do further give and grant unto you the said Francis Nicholson full Power and Authority from time to time and at any time hereafter by your self or by any other to be authorized by you in that behalf to administer and give the Oaths appointed to be given by Act of Parliament instead of the Oaths of Allegiance and Supremacy to all and every such Person as you shall think fit who shall at any time or times pass unto your said Colony Or shall be resident or abiding there We do hereby give and grant unto you full Power and Authority with the advice and Consent of our said Council to Erect and Establish such and so many Courts of Judicature and Publick Justice within our said Colony and Dominion as you and they shall think fit and necessary for the hearing and determining of all Causes as well Criminal as Civil according to Law and Equity and for awarding Execution thereupon with all Reasonable Powers and Authorities fees and Priviledges belonging unto them as also to appoint and Commissionate fit Persons in the several Parts of our said Colony to administer the Oaths to be taken instead of the Oaths of Allegiance and Supremacy as is aforesaid And the Oath mentioned in the aforesaid Act entitled, an Act to declare the Alteration in the Oath appointed to be taken by the Act entitled an Act for the further Security of his Majesty's Person and the Succession of the Crown in the Protestant Line and for the Extinguishing the hopes of the Pretended Prince of Wales and all other Pretenders and their Open and Secret Abettors and for Declaring the Asso-

ciation to be determined as also the Test unto such Persons as shall be obliged to take the same And we do hereby grant unto you full Power and Authority to constitute and appoint Judges and in Cases requisite Commissioners of Oyer and Terminer Justices of Peace Sherifs and other necessary Officers for the better administration of Justice and Putting the Laws in Execution and to Administer or cause to be administered unto them such Oath and Oaths as are usually given for the due Execution and Performance of Officers and Places and for the Clearing of truth in Judicial Causes And We do hereby Give and Grant unto you full Power and Authority Where you shall see cause and shall judge any Offender or Offenders in Criminal Matters or for any fines or forfeitures Due unto us fit Objects of our Mercy to Pardon all such Offences, fines and forfeitures (Treasons and Wilful Murders only excepted) In which Cases you shall likewise have full Power and Authority upon Extraordinary Occasions to grant reprieves unto the Offenders Until and to the Intent our Pleasure may be known therein we do by these Presents give and grant unto you full Power and Authority to Collate any Person or Persons to any Churches Chappels or any other Ecclesiastical Benefices within our said Colony as often as any of them shall happen to be Void and we do hereby give & Grant unto you the said Francis Nicholson by your self and by your Captains and Commanders by you to be Authorized full Power and Authority to Levy Arm Muster Command and employ all Persons whatsoever residing within our Colony and Dominion of Virginia and as Occasion shall serve them to transfer from one Place to another for the resisting and withstanding all Enemies Pirates and Rebels both at Land and Sea And to transport such forces to any of our Plantations in America if Necessity shall require for the Defence of the same against foreign Enemies' Invasions or Attempts and such Pirates Enemies and Rebels (if there shall be occasion to pursue and Prosecute in or out of the Limits of our said Colony and Plantations or any of them And if it shall so please God them to Vanquish Apprehend and take And being taken either according to Law be put to Death Or to keep and Preserve alive at your Discretion And to execute

Martial Laws in time of Invasion Insurrection or War and to do and Execute all and Every other thing and things which to our Lieut. and Governor General doth or ought of Right to belong And we do hereby give and grant unto You full Power and Authority by and with the Advice and Consent of our said Council to Erect raise or build within our said Colony such and so many Forts Platforms Castles Cities Boroughs Cities Towns and fortifications as by the Advice aforesaid You shall Judge Necessary and the same or any of them to fortifie and furnish with ordnance Ammunition And all Sorts of Arms fit and Necessary for the Security and defense of our said Colony and by the Advice aforesaid the same or any of them again to demolish and dismantle as may be most Convenient And for as much as divers Mutinies and disorders may happen by Persons Shipp'd and employed at Sea During the time of War may be better Governed and Ordered We do hereby give and grant unto you the said Francis Nicholson full Power and Authority to constitute and appoint Captains Lieutenants and Masters of Ships and other Commanders and Officers Commission to Execute Law Martial during the time of War And to use such Proceedings Authorities Punishments Correction and Execution upon any Offender or Offenders who shall be mutinous Seditious disorderly or any ways unruly either at Sea or during their time of Abode or Residence in any of the Ports Harbors Bays of our said Colonies and Dominion as the Cause shall be found to Require According to Martial Law during the time of War as aforesaid Provided that Nothing herein contained shall be construed to the Enabling you or any by your Authority to hold Plea, or have any Jurisdiction of any Offence cause Matter or thing committed or done upon the high Sea or within any of the Rivers Havens or Creeks of your said Colony and Dominion under your Government by any Captain Lieutenant Commander Master or any Other Officer Seaman Soldier or Person whatsoever who shall be in Actual Service and Pay in or on board of any of our Ships of War or other Vessels acting by immediate Commission or Warrant from our Lord High Admiral of England under the Seal of our Admiralty or from our Commissioners for Executing



the Office of high Admiral of England for the time being but that Such Captain Commander Lieutenant Master Officer Seaman Soldier or other Person so Offending shall be left to be proceeded against and tried as the Merits of their Offence shall require Either by Commission under our great Seal of England As the Statute of the 28 of Henry the Eighth directs or by Commission from our said High Admiral of England or from our Commissioners for Executing the Office of our high Admiral of England for the time being According to the Act of Parliament Passed in the thirteenth Year of the Reign of King Charles the Second Entituled an Act for Establishing Articles and Orders for the Regulating and better Government of his Majesty's Navy Ships of War and forces by Sea and not Otherwise Provided nevertheless that all Disorders and Misdemeanors committed on Shore by any Captain Commander Lieutenant Master Officer Soldier or any other Person whatsoever belonging to any of our Ships of War or Other Vessel acting by immediate Commission or Warrant from our high Admiral of England under the Seal of our Admiralty or from Our Commissioners for Executing the Office of Our High Admiral of England for the time being may be tryed and punished according to the Laws of the Place where any such Disorders Offences and Misdemeanors shall be committed on Shore Notwithstanding such Offender be in our Actual Service and Born in our Pay on board any such our Ships of War or other Vessels Acting by Immediate Commission or Warrant from our High Admiral of England or from our Commissioners for Executing the Office of high Admiral of England for the time being as aforesaid so as he shall not receive any Protection for the Avoiding Justice for such Offences committed on Shore from any pretence of his being employed in our service at Sea. And our Further Will and Pleasure is that all Publick Money raised or which shall be raised by any Act hereafter to be made within our said Colony be issued by Warrant from You by and with the Advice and Consent of our said Council and disposed of by you for the Support of the Government and not otherwise We do Likewise give and grant unto You full Power and Authority by and with the Advice

and Consent of our said Council to Settle and Agree with the Planters and Inhabitants of our said Colony and Dominion Concerning such Lands Tenements and Hereditaments as now are or hereafter shall be in our Power to dispose of And them to Grant to any Person or Persons for such Terms and under such Moderate Quit Rents Service and Acknowledgments to be thereupon reserved unto us as you by, and with the Advice aforesaid shall think fit which said Grants are to Pass and be Sealed by our Seal of Virginia and being Entered upon Record by such Officer or Officers as you shall appoint thereunto shall be good and Effectual in Law against us our Heirs and Successors. And we do hereby give and grant unto you the said Francis Nicholson full Power and Authority to appoint Fairs Marts and Markets as also such and so many Ports Harbours Bays Havens and other Places for the Conveniency and Security of Shipping and for the Loading of Goods and Merchandizes as by you with the Advice and Consent of our Council shall be thought fit and Necessary And we do hereby require and Command all Officers and Ministers Civil and Military and all other Inhabitants of our said Colony and Dominion to be Obedient Aiding and assisting unto you the said Francis Nicholson in the Execution of this our Commission and the Powers and Authorities therein Contained and in Case of your Death or Absence out of the said Colony unto such Person as shall be by Us to be your Lieutenant Governor and Commander in Chief to whom we Do therefore by these Presents Give and Grant all and Singular the Powers and Authorities therein granted to be by him Exercised and Enjoyed During our Will and Pleasure or until your Arrival in our said Colony And if upon such Death or Absence there be no Person upon the Place Commissionated or appointed by us to be our Lieut Governor or Commander and Chief Our Will and Pleasure is that the then Present Council of Virginia take upon them the Administration of the Government and Execute this Commission and the several Powers and Authorities herein Contain'd And that such Councilor who shall be at the Time of your Death or Absence residing within our said Colony and Dominion of Virginia and Nominated by our Instructions to you herewith

Given You before any other at that time Residing there do Preside in our said Council with such Powers and Prehemincies as may be necessary in those Circumstances for the due and Orderly Carrying on the Publick Service in the Administration of the Government as aforesaid Until Our Pleasure be further known or until your Arrival as Aforesaid and we do hereby Declare Ordain and appoint that you the said Francis Nicholson shall and may hold Execute and Enjoy the Office and Place of our Lieutenant and Governor General of our said Colony and Dominion with all the Rights Members and Appurtenances whatsoever together with all and Singular the Powers and Authorities hereby Granted to for and during Our Pleasure. Lastly we have determined and made void and by these Presents Do Determine and make Void the Like Commission or Letters Patents under the Great Seal of England bearing Date at Westminster the twentieth Day of July One Thousand Six Hundred Ninety Eight granted by our late Royal Brother King William the 3d Unto you the said Francis Nicholson In Witness whereof we have caused these on Letters to be made Patents Witness our Self at Westminster the fourth day of August in the first Year of our Reign.

By the Writ of Privy Seal

WRIGHT.

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RECALL OF GOVERNOR NICHOLSON, 1705.

Anne R.

Trusty and well beloved we greet you well whereas we have thought it necessary for our service to appoint Edwd Nott Esq. to succeed you in the Government of our Colony and Dominion of Virginia We do hereby signify to you our Presure that upon the Arrival of our said Governor and the Publication of our Commission you deliver unto him or such as shall be appointed by him the seal of our said Colony with the Publick Ensigns and Papers of the Government and that you repair to our Royal Pleasure to give us an Account of the State of that our said Colony when you may expect from us the Marks of our Royal Favour and so we bid you farewell. Given

at our Court at New Market the 12 Day of April 1705 In the fourth Year of our Reign.

By her Majesty's Command.

C. HEDGES.

To our Trusty and Well beloved  
Francis Nicholson Esq. our  
Lieutenant and Governor  
General of  
Virginia

(TO BE CONTINUED.)

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VIRGINIA IN 1673-1676.

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(Abstracts by W. N. SAINSBURY, and copies in the McDonald and De Jarnette Papers, Virginia State Library.)

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(CONTINUED)

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APPLICATION FOR ARMS IN VIRGINIA, 1673.

(Abstract.)

The Governor, Council and Assembly of Virginia to Sir Thomas Chicheley For a supply of arms and ammunition which they request of the King for their defence—fifty pieces of ordnance 1000 musquets and as many horse arms and forty barrels of powder.

Signed as the preceding [Page 192].

[thus, Indorsed. Read in Council Oct. 3, 1673.]

(1 p. Col. Papers.)